

3-70 PETITION FOR ZONING VARIANCE 84-358-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B (214.1b) TO PERMIT A REAR YARD SETBACK OF 42' N.E. END OF 52'

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

*Additional space needed for lawn family
Basement area not suitable for finishing
need space for frequent out of town guests*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

PAUL DEAN RUSSELL

(Type or Print Name)

Signature

CAROL ANN RUSSELL

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

PAUL DEAN CAROL ANN RUSSELL

Name

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of May, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 25th day of June, 1984, at 10:15 o'clock A.M.

Cell John

Zoning Commissioner of Baltimore County.

(over)



HARRY J. PISTEL, P.E.
DIRECTOR

June 8, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements exist and are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 300 (1983-1984).

Very truly yours,

Gilbert S. Benson
GILBERT S. BENSON, P.E., Asst. Chief
Bureau of Public Services

GSB:EAM:FWR:ss

N-NE Key Sheet 35 NE 13 Pos. Sheet
NE 9 D Topo 71 Tax Map

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
W/S Hoerner Ave., 290.96' :
S of Wilker Ave. (8664 : OF BALTIMORE COUNTY
Hoerner Ave.), 9th District :
PAUL D. RUSSELL, et ux, : Case No. 84-358-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

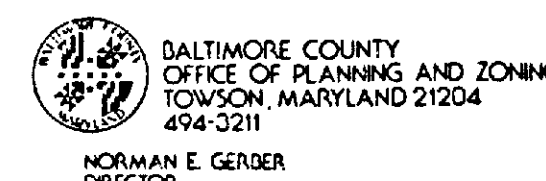
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 8th day of June, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Paul D. Russell, 8664 Hoerner Avenue, Baltimore, MD 21234, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 5/15/84
Item # 300
Property Owner: PAUL D. RUSSELL, et ux
Location: W/S HOERNER AVE. 290.96' S. of WILKER AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

Eugene A. Rober
Eugene A. Rober
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PALM H. RENCKE
CHIEF

May 18, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Paul D. Russell, et ux

Location: W/S Hoerner Ave. 290.96 S. of c/l Wilker Ave.

Item No.: 300 Zoning Agenda: Meeting of 5/15/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John J. Spiller* Noted and Approved: *George M. Hammond*
Planning Bureau Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 15, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
cdo
Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Paul Dean Russell
8664 Hoerner Avenue
Baltimore, Maryland 21234

RE: Case No. 84-358-A (Item No. 300)
Petitioner - Paul Dean Russell, et ux
Variance Petition

Dear Mr. & Mrs. Russell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

IN RE: PETITION ZONING VARIANCE * BEFORE THE
W/S of Hoerner Avenue, * ZONING COMMISSIONER
290.96' S of Wilker Avenue * OF BALTIMORE COUNTY
(8664 Hoerner Avenue) - 9th *
Election District *
Paul D. Russell, et ux, * Case No. 84-358-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 42 feet instead of the required 50 feet in order to construct an addition to the rear of their home, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the Petitioners own an end-of-group row home fronting on Hoerner Avenue. The 113' x 34' property is zoned D.R.10.5. They wish to construct a 13 1/2' x 18' single-story addition attached to their home in the rear yard. Their children are teens now and additional space is required. They do not want to move. The side yard setback to the northern property line is 15 feet, and a variance would also be required to locate the addition there but to do so would require a drastic change in concept.

The Petitioners seek relief from Section 1802.3.B (214.1b), pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZG).

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. *McLester v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of June, 1984, that the Petition for Zoning Variance to permit a rear yard setback of 42 feet instead of the required 50 feet be and is GRANTED, from and after the date of this Order, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Paul Dean Russell
People's Counsel

Mr. & Mrs. Paul D. Russell
8664 Hoerner Avenue
Baltimore, Maryland 21234

NOTICE OF HEARING

Re: Petition for Variance
W/S Hoerner Ave., 290.96 ft. South of Wilker
Avenue (8664 Hoerner Avenue)
Case No. 84-358-A

TIME: 10:15 A.M.

DATE: Monday, June 25, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130215

DATE 6/25/84 ACCOUNT R-01-615-000
AMOUNT \$42.64

RECEIVED FROM Paul D. Russell
FOR Advertising and posting Case #84-358-A
C 015*****25410 6034A

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

June 12, 1984

Mr. & Mrs. Paul D. Russell
8664 Hoerner Avenue
Baltimore, Maryland 21234

Re: Petition for Variance
W/S Hoerner Ave., 290.96' S of Wilker
Avenue (8664 Hoerner Avenue)
Paul D. Russell, et ux - Petitioners
Case No. 84-358-A

Dear Mr. & Mrs. Russell:

This is to advise you that \$42.64 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130561

DATE 6/25/84 ACCOUNT R-01-615-000
AMOUNT \$42.64

RECEIVED FROM Paul D. Russell
FOR Advertising and posting Case #84-358-A
C 025*****25410 6034A

VALIDATION OR SIGNATURE OF CASHIER

ORDER RECEIVED FOR FILING
DATE June 27, 1984
BY [Signature]

ORDER RECEIVED FOR FILING
DATE June 27, 1984
BY [Signature]

8664 HOERNER AVE.

BEGINNING FOR THE SAME AT A POINT ON
THE WEST SIDE OF HOERNER AVENUE (60' WIDE),
SAID POINT BEING DISTANT 290.96' SOUTH OF
THE INTERSECTION WITH THE SOUTH SIDE OF
WILKER AVENUE.

SAID PROPERTY BEING KNOWN AS LOT #19,
BLOCK A, PLAT OF OAKLEIGH, RECORDED AMONG
THE LAND RECORDS OF BALTIMORE COUNTY MD.
IN PLAT BOOK GLB 23- FOLIO 108

PETITION FOR VARIANCE

9th Election District

ZONING:

Petition for Variance

LOCATION:

West side Hoerner Avenue, 290.96 ft. South of
Wilker Avenue (8664 Hoerner Avenue)

DATE & TIME:

Monday, June 25, 1984 at 10:15 A.M.

PUBLIC HEARING:

Room 106, County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning
Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 42 ft.
instead of 50 ft.

Being the property of Paul D. Russell, et ux, as shown on plat plan filed
with the Zoning Department.

In the event that this Petition is granted, a building permit may be
issued within the thirty (30) day appeal period. The Zoning Commissioner
will, however, entertain any request for a stay of the issuance of said
permit during this period for good cause shown. Such request must be
received in writing by the date of the hearing set above or made at the
hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: June 11, 1984
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
Zoning Petition Nos. 84-346-A, 84-349-A, 84-350-A, 84-351-A, 84-352-A,
SUBJECT: 84-353-A, 84-354-A, 84-357-A, 84-358-A, 84-359-A, 84-361-A and 84-364-A

There are no comprehensive planning factors requiring comment
on these petitions.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning Date: June 14, 1984
FROM: Ian J. Forrest
SUBJECT: Zoning Variance Items
Meeting - May 15, 1984

The Baltimore County Department of Health has reviewed
the following zoning items and does not anticipate any health
hazards at this time regarding these items.

- Item #299 - Char-del, Inc.
- Item #300 - Paul D. Russell, et ux
- Item #303 - Fairfax Savings Association, Inc.
- Item #304 - Christopher G. Myers, et ux

Meeting - May 22, 1984

- Item #308 - McCormick Properties, Inc.
- Item #309 - Tadeusz Podbielski, et ux

[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

84-358-A
VPS

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
15th day of May, 1984

ARNOLD JABLON
Zoning Commissioner

Petitioner Paul Dean Russell, et ux
Petitioner's Attorney

Received by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION FOR VARIANCE

1st Election District
ZONING: Petition for Variance
LOCATION: West side Hoerner Avenue, 290.96 ft. South of Wilker Avenue (8664 Hoerner Avenue)
DATE & TIME: Monday, June 25, 1984 at 10:15 A.M.
PUBLICATION: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit a rear yard setback of 45 ft. instead of 60 ft. Being the property of Paul D. Russell, et ux, as shown on plat plan filed with the Zoning Department. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing. By Order Of: ARNOLD JABLON, Zoning Commissioner of Baltimore County, June 7, 1984.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 7, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 7, 1984.

THE JEFFERSONIAN,

JB Venturi
Publisher

Cost of Advertising 20⁰⁰

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9 Date of Posting 6/8/84
Posted for: Petitioner & Variance
Petitioner: Paul D. Russell, et ux
Location of property: N.B. Hoerner Ave., 290.96' S of Wilker Ave.
Location of Signs: front of property (8664 Hoerner Ave.)
Remarks: See 2. C. Leman
Posted by: Signature Date of return: 6/15/84
Number of Signs: 1

Petition for Variance

1st Election District
ZONING: Petition for Variance
LOCATION: West side Hoerner Avenue, 290.96 ft. South of Wilker Avenue (8664 Hoerner Avenue)
DATE & TIME: Monday, June 25, 1984 at 10:15 A.M.
PUBLICATION: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit a rear yard setback of 45 ft. instead of 60 ft. Being the property of Paul D. Russell, et ux, as shown on plat plan filed with the Zoning Department. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF:
Arnold Jablon
Zoning Commissioner
Of Baltimore County

The Times

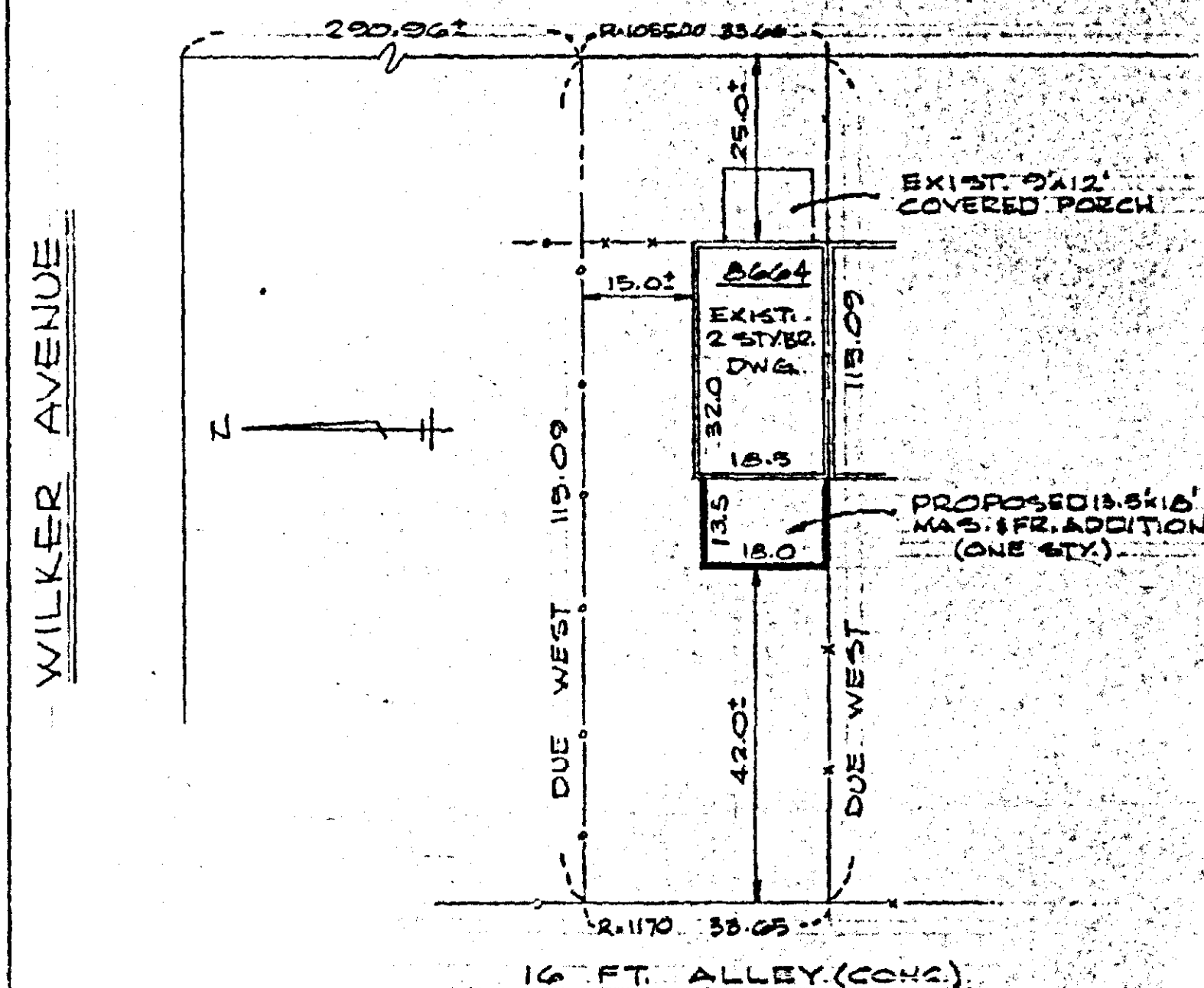
Middle River, Md., June 7, 1984

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 7th day of June, 1984.
See D. W. H. H. H. Publisher.

PETITIONER'S EXHIBIT

HOERNER AVENUE
(60' R/W, 34' PAVED)

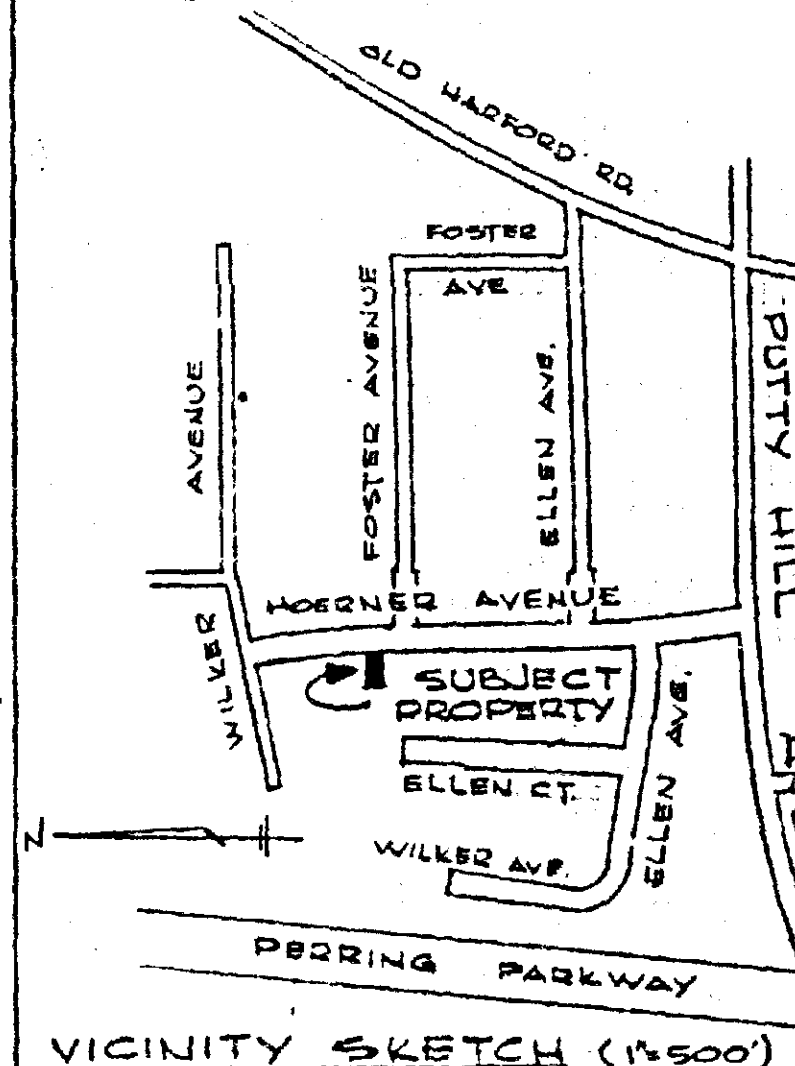


SITE PLAN SCALE: 1"=20'

PLAT for ZONING VARIANCE

OWNERS:
PAUL D. & CAROL A. RUSSELL
9TH DISTRICT - BALTIMORE COND
SUBDIVISION: OAKLEIGH
LOT # 19, BLOCK A GLB 23-108

ZONED: DR 10.5



VICINITY SKETCH (1"=500') MAY 1, 1984 ZV-1

